

SCOTT COUNTY KICKER.

Vol. 3

BENTON, MO., OCTOBER 15, 1904.

No. 47.

PROSECUTOR KELLY WRITES AGAIN.

He Changes His Tune, Drops His Spectacular Demand for Evidence, Finds Himself in a Hole, and Tries to Substitute Abuse for Argument.

Benton, Mo., Oct. 10, 1904.

Editor Kicker:

Sir—I have no desire to continue a newspaper controversy with you, and do not intend to do so. Nor shall I comment on the articles published, but leave the readers to form their own opinion on them.

I would not write this but to answer some of the questions asked in regard to my official acts.

You may think it popular to denounce me as a politician because I hold a county office, but my role of politics has consisted exclusively of going in the open field and soliciting the people's votes on my own behalf. I have taken no hand in the general game of politics as you have, advising them whom to vote for, whom to elect as committeemen, organizing committees, selecting delegates and advising others on the floors of conventions. There is not a man in the county to whom the term more fittingly applies than to yourself, and you ought not to apply it to another as a term of reproach.

That you did not intend to assail the grand jury I accept as your explanation, and it is somewhat gratifying to find at least one body of men in the administration of the law in the county to escape your condemnation. That I hindered, or could hinder, the matter in question or any other matter, from going before that body I deny. The men who composed the grand jury at October term of court, 1902, were: Chas. Strubbe, Chas. Darby, Albert Wylie, Joe Unge, J. A. Armstrong, E. A. Griggs, John Heise, John Rose, Aaron Ware, Joe Keiffer, Albert Boudard and W. H. Hutton, foreman. You had as free access to them, except to the grand jury room, as I had, and if you had represented a cause to which you thought there was any criminality attached you would have found your way before them and would have received a respectful hearing.

Now, as to the Vanduser case, of which you have forgotten the facts, but about which you were told so much. Some time in the fall of 1901 a man near that place received a contract from the road commissioners of that district to build or repair a culvert for \$40. He did most, if not all, the work himself and presented an itemized bill to the road commissioners, in which he claimed different parties in the neighborhood had done work on the job, and the commissioners certified the bill to the county court for \$80, which was paid. These men whose names were on the bill, but who did none of the work and got none of the money, were before the grand jury in April, 1902, and the party indicted for obtaining money under false pretense under section 1927, which section provides the guilty party shall be punished in the same manner as if he had stolen the money obtained. The case was on the docket at the October term, 1902, and at a meeting of the state witnesses in the sheriff's office, where I called them together before going in to trial, it was agreed among the witnesses themselves that the defendant was entitled to \$40 or over, money honestly earned for work actually done, and that he had obtained \$20 or less he was not entitled to, and as the amount wrongfully obtained was less than \$30, he was guilty of a misdemeanor only, hence I accepted his plea to that charge and he was fined \$25. Now you know why he was allowed to plead guilty of a misdemeanor. The only error I made was in not running over and consulting you before I did it. The defendant at that same term of court went before the grand jury and told all about the connections of "one in authority" with the matter, and that body decided there was nothing for him to go to the penitentiary for, much, I suppose, to your disappointment.

If there were anything criminal in connection with the "bailor job," then to be sure, according to your comprehensive indictments, I must not escape, hence your labored efforts to make me a member of the county court. If I occupied the position of supreme dictator to it, as you would have me do, I would not shrink from duty or responsibility connected with the place, but I don't. If the court asks me what the law is governing a matter, if I know or can find out I advise it, but I do not, and have no right, and am not expected to tell it WHAT to do. Your idea is that I should be a "boss" to it and usurp its authority—the "whole thing," as you try to be.

Did Mr. Folk receive his information from newspaper "insinuations," or did Mr. Turner go to him and tell him just how much money had been paid to get certain bills through the municipal assembly, who paid it, when it was paid, who got it, where the money then was, who had the keys to the box in which it was locked up? He received just the kind of information I have been trying to get out of you, if you have it. Folk did not have to act on insinuations at all.

You quote section 4089 on subject of "Advertisements," which deals with "the publication of any LAW, PROCLAMATION, ADVERTISEMENT, ORDER OR NOTICE" required to be published by the preceding section.

That law provides for the publication of just what is mentioned, to-wit, any law, proclamation, etc.—an advertisement in the paper.

The section (4088) governing the rates, provides "a higher rate than one dollar per square of two hundred ems"—(a term meaning space in a newspaper)—"for the first insertion, and fifty cents for each subsequent insertion," shall not be charged. Section 4091 provides the affidavit of the printer shall be evidence of the publication.

That statute has as much to do with the printing of the ballots as a decent and gentlemanly respect for another's rights and reputation has with your ideas of running a newspaper.

Section 7100, under election laws, provides: "The printing and distributing of all ballots and cards of instruction, and the publication of the list of nominations to office mentioned in this article shall all be done under the direction and with the consent and approval of the county court of the county in which any such election is to be held." The section you refer to applies to notices and orders made in a court of record in regard to "any cause, matter or thing in any court."

It is just a little remarkable that not one in each half-dozen officers of Scott county during the past ten years was an honest man, and he wasn't, if you are to be believed. Another remarkable fact is that none except those who have dispensed or offended you in some personal matter have ever been attacked by you. You found no fault with me as an officer until after I refused to buy the second batch of "safe and sound" life insurance from you, and followed it up by dropping your fire insurance and refusing to prosecute a couple of men from New Hamburg you wanted arrested.

Then when I refused to accept your statement, without some evidence, that the county judges were guilty of bribery, you turned loose your mud on me.

You formerly signed saloon petitions here, but when you fell out with the saloon man and quit signing them, you immediately began denouncing everyone else who did not do just as you did. All one has to do to get your hose turned on him is to refuse to follow your leadership.

Four years ago, on a Saturday, you stood up in the township meeting in Benton and read from the Post-Dispatch an article denouncing the record of Mr. Marshall as senator; on the Monday following you got upon the same floor in the county convention and placed his name before it for re-nomination, saying you and he had not been political bed-fellows for some time, but moved the vote of Scott county be cast for him. Mr. Marshall refused to recognize you after the convention, and a few days later you turned up over at Bloomfield and tried to defeat the man you nominated here. Outside of yourself, one would have been open to the charge of being bought and not staying bought in a deal of that kind.

Nine out of ten of the local men you denounce are men who have refused to allow you to dictate to them. That is their sin.

Now, sir, I leave the field of calumny for you to graze in, and as it is to you as bread and meat, like the buzzard seeking its carion, I expect you to continue to draw your supplies from that quarter.

FRANK KELLY.

Mr. Kelly seems to regard space in the Kicker of little value—judging from the amount he consumes to say nothing. Wherever he undertakes a defense of his position he undertakes to clinch it by personal abuse of me. So far as this controversy is concerned what does it matter whether I supported Senator Marshall or did not support him; whether I signed saloon petitions or did not sign them; whether I stole a horse or did not steal a horse? What has my personality to do with whether or not the affairs of Scott county have been honestly and economically administered? Why does Mr. Kelly inject immaterial matter—unless he found himself in a hole with both ends corked up?

He accuses me of mud-slinging. I leave it to the reader to judge which of us is guilty. He tries to make it appear that because I have questioned the official acts of himself and some of his associates I have heaped calumny on everybody. Similar "argument" is used in defense of Butler's gang.

Mr. Kelly sees in me a very powerful political boss. No doubt I committed a very grave offense when the Kicker advised the farmers what the ringsters were up to and caused them to turn out and defeat Senator Marshall and elect a county central committee chiefly from their own ranks. Their action was so unusual that the old ringsters who had been selecting themselves for the past twenty years as delegates to all conventions were very much "put out."

Mr. Kelly has evaded nearly all of the important points in the controversy, and where he has not evaded he has misrepresented. He says the Vanduser man was indicted charged with obtaining money under false pretenses and that he (Kelly) and the witnesses tried the case in the sheriff's office and that it was agreed that the defendant was guilty of a misdemeanor or only. The circuit court record shows that the man was charged with FORGERY (forging names to that "itemized bill" Mr. Kelly speaks

of) and he was permitted to plead guilty to petit larceny. I don't understand how forgery can be twisted into stealing. It was hinted at the time that it was done to keep the evidence out of court.

Mr. Kelly's reference to the grand jury is simply ridiculous. Everyone familiar with the system knows that the prosecuting attorney is the legal adviser of that body and that his opinion and suggestions largely govern its action. This may account for it that the grand jury decided that there was nothing for "one in authority" to "go to the penitentiary for, much, I suppose, to your displeasure," as Mr. Kelly puts it.

He says he is not a boss and is not expected to tell the county court what to do. Evidently he thinks so. About eighteen months ago the court was examining saloon petitions presented by men whom he knew had been punished for violations of law that disqualified them from engaging in the saloon business. I asked him why the court was examining petitions of men barred by law. "I reckon they don't know it," was the reply. "Then why don't you tell them?" I insisted. Our noble prosecutor looked wise as he answered, "Oh, well, there's nobody kicking."

But it is amusing to see him try to twist the law out of shape. Evidently he is making a bid for a seat on the supreme bench. He says the law referred to by me does not apply to the county courts and yet Sec. 4087 quoted in my reply last week, says that the "reasonable expense thereof shall be allowed and paid out of the county treasury." Oh fudge!

If the law applies only to courts of record, as Mr. Kelly pretends to believe, then I will again ask him to point out the official that complies with it? And if officials violate the law, what is Mr. Kelly's duty?

Mr. Kelly treated with "silent contempt" the question as to whether or not the cost of public printing had quadrupled in recent years, neither did he explain the difference between selling public property to a favorite at less than another offers to pay, or the letting of public work to a favorite at a higher price than another offers to do it for?

Under these circumstances it is not surprising that he has "no desire to continue a newspaper controversy" and so kindly leaves the "field of calumny" for me to graze in.

Respectfully,

PHIL. A. HAFNER.

JOE FOLK AT ORAN.

Thousands of people gathered at Oran last Friday to attend the fair and hear Joe Folk. The train that brought him was an hour late and the crowd grew restless. The state committee had instructed the local committee that Mr. Folk should not be used as a "drawing card," and that he was not to speak where admission was charged. However, it was advertised by parties at Oran that he would speak at the fair grounds and when Mr. Folk arrived it had not been settled whether he should speak at the Opera House or on the grounds. This caused confusion.

When the matter was submitted to Mr. Folk he protested against speaking at the grounds. But it was argued by the fair management that the crowd had already paid admission to the grounds and was expecting him there. After taking dinner Mr. Folk yielded and was driven to the grounds.

Upon his arrival he was wildly cheered—not by hired rooters, but by enthusiastic farmers. He spoke for nearly an hour and was accorded close attention. Among other things he said that he did not want the support of Ed. Butler and his boodle gang; that he had declared unrelenting war on the boodlers of Missouri, and had no favors to ask of them nor quarter to give; that so long as God gave him life and strength he would fight corruption whether he were in public or private life; that a boodler was neither a Democrat nor a Republican—but a criminal; and closed by thanking the people of Scott county for the handsome vote they gave him in the spring when the situation appeared darkest, and invited all to be present at his inauguration at Jefferson City on January 8.

Lieutenant Governor Ruby followed in rather a humorous vein. He told about how nice it was to be governor when the governor was away. At one time it appeared as if he were about to get serious and shouted, "I say that the Democratic party of Missouri has a right to be proud of its record during the past 30 years."

THE LATEST AUTOMOBILE OUTRAGE.



HAWES DOWNS BUTLER IN NAMING DEMOCRATIC CITY TICKET.—Cartoon by courtesy Post-Dispatch.

Then he hesitated for the applause that never came. Someone in the crowd moaned, "That'll do for that."

It did not take the lieutenant governor long to discover that his last joke was not taking well and he sprang another. Mr. Ruby is a pleasant fellow, a good story-teller and the crowd thought well of him.

J. W. Farris, of Stoddard county, candidate for state senator to succeed Senator Marshall, then got up, but the horses were on the track for a race, the bells began clanging, and his talk was necessarily cut short. He also thanked the people of Scott county for the support given him in his campaign for the nomination.

LET OUT THE TRUTH.

Commenting on the action of the convention that nominated the Democratic city ticket in St. Louis the Republic says, "Harry Hawes demonstrated yesterday his mastery of the Democratic city convention by presiding over the body, controlling all committees and NOMINATING THE TICKET."

Unintentionally, no doubt, the Republic let slip a great truth. It says that HAWES controlled all the committees and nominated the ticket.

But from now until the election the Democrats of St. Louis will be told by Mr. Hawes and the Republic that THEY (the Democrats of St. Louis) nominated the ticket and must vote for straight.

It is always so. In all conventions a very few men have anything to say—and there is usually one man who pulls the strings, and his will dominates the convention. The people are really not in it at all.

In St. Louis Hawes and Butler have parted company—temporarily, perhaps—and both fought for supremacy. Hawes was successful. This means that Hawes and not Butler is to boss things in St. Louis in case HIS ticket is successful.

Hawes is as much a tyrant as Butler, and I fail to see wherein there is reason to expect improvement, or hope for the people of St. Louis.

The platform adopted by the Hawes convention endorsed Folk and Wells—and Rolla Wells is as sure to vote for Wallbridge as is either Dave Francis or Ed. Butler. All are "links off the same political sausage made from the same old corporation dog."

TO SUBSCRIBERS.

Next week many of you will visit Benton. I want you to make the Kicker office your headquarters. I have on tap some splendid "long green" tobacco, and you can light your pipe, put your feet on the table and spit on the floor.

As stated in the Kicker some time ago, last year was a crop failure and many of you were not able to pay for your paper in advance. A great many have paid up during the past month, but many are yet behind. As speedily as possible I want to put this paper on a cash-in-advance basis. It is more satisfactory both to publisher and subscriber.

This paper has now over twelve hundred subscribers. Suppose you had twelve hundred bushels of wheat and sold it at a dollar a bushel and only one bushel at a time to Tom, Dick and Harry on a credit all over the county, what a time you would have to collect it.

The cash-in-advance system is the only satisfactory way of conducting a newspaper. If you expect to pay, it is just as easy to pay in advance as later. If the money is in my hands I can use it. If you have it I can't. So pay up.

SCOTT COUNTY KICKER.

There are those among the neighbors who insist that the Kicker ought to take a stand on the county seat removal question. They seem to forget that this is not the Benton Kicker, but the

SCOTT COUNTY KICKER.

If this paper depended on Benton alone for existence it wouldn't last long enough to tell the story of its demise. It is published as much in the interest of one section of Scott county as another, and believes the people of the county capable of deciding a local matter with which they are so familiar as the matter of where they prefer to go to attend court and pay taxes.

However, the forces are lining up on either side, and it has been intimidated by some that space in the Kicker will be applied for. This paper cannot deny if the regular price is paid for the space and the users write over their own signatures.

While this paper would prefer to stay out of it altogether, yet I recognize the fact that it is the only paper in the county of general circulation, and that its space will very probably be in demand. Therefore its columns will be open on equal terms—one cent a word—to either side. But it will permit no bush-whacking. All communications must be signed by the author and accompanied by the cash.

N. B.—Since the above was put in type the anti-removalists have had printed a circular which appears as a supplement to this issue.

MAY GET FOOLED.

The Greenville Sun, a Republican paper, says:

"Four years ago Missouri cast about 317,000 ballots for the gold standard and about 350,000 for free silver. This year there will be about 675,000 votes cast in Missouri for the gold standard—the Democrats voting the Republican principles that far."

"The Sun may get fooled. The Kicker is not ready to believe that the 350,000 Democrats who voted for a Democratic candidate on a Democratic platform in 1900 will now flip over and swallow a Wall Street candidate on a Wall Street platform just because of 'party regularity.'"

Missouri Democrats have learned something since 1900, and many of them are now practicing with lead pencils so as to be able to scratch effectively next month.

"No man over 40 years old will be employed by the Carnegie Steel Co. at Pittsburgh," says an exchange. It's about that way in every other business nowadays—middle-aged and old men not wanted. You see it requires young blood, strong sinews and clear brains to pile up millions for the trusts, and the best thing a man can do after he has spent his strength in doing this is to either quietly "shuffle off this mortal coil" or use his rights at the ballot-box and shatter the system that is responsible for such conditions. Which shall it be, Mr. Voter?

Crime! Crime!! Crime!!! That is about all the "news" the daily papers contain. Why so much crime? Is it because the people are so happy and prosperous under this government by organized greed?

Had the people of Scott county depended on other local papers for information, how much would they now know about the real conditions in their state and county?

SOUTHEAST NOTES.

Dunklin Democrat: Last Saturday afternoon Scrap Bullock and John Morelock met on the road near Holcomb and engaged in a war of words. Report has it that each got out of his wagon and dared the other to meet him half way. Nothing more serious happened, however, and each went on his way. That night Morelock was in company of another man when he was fired upon and seriously, if not fatally, shot by someone not twenty steps away. Both men claim to have seen and recognized the man who did the shooting as Bullock. He was arrested, but immediately gave bond in the sum of \$5,000. When arrested, Bullock declared that he did not even know Morelock had been shot.

"Subscriber" writes in the Perry County Republican a protest against keeping the churches out of politics. He says: "Is the church to stand idly by while our government is in the hands of those whose only object is self-enrichment?" Well, Subscriber, the chief trouble with the church in politics has always been that it invariably takes sides with this same element of society "whose only object is self-enrichment," as against the rank and file of the people who desire clean government. And that is the explanation of the declining power of the church over the people of this country at the present day.

A factory editorial to the effect that farmers will make our lives during the coming session is going the rounds of the country press. The fact that out of 219 nominees, 82 are farmers, would be encouraging only that the class of farmers usually put up by the party are too apt to doat with the title, and the tide always sets toward the side where there is the most money. Just watch during the coming session how many laws will be enacted by these farmer legislators that will lighten the burden on the back of the man who has to mortgage his goods in order to be able to put in a crop.

Missouri Sharp-Shooter: The Scott County Kicker kept up such a kicking that the county court of Scott county was forced to comply with the law and let the printing of the official ballot out to the lowest bidder. The ring organ of that county bid a charge of \$350, while the Kicker put in a bid to do the work for \$75, and the editor says he can make \$40 profit at that price. Now just watch our Phelps county court and see how much of your money they pay to the two ring papers to do this same printing.

A negro who alone held up a train near Union City last week was captured in Caruthersville by Marshal White, but escaped by scaling a ten-foot wall. Such strenuousness should be brought under the notice of Ted. Who knows but that the coon might get an invitation to dine with our strenuous president.

The Roth Tobacco Company was organized at Cape Girardeau Saturday with a capital stock of \$10,000. It will erect a factory to manufacture chewing, smoking and twist tobacco, and employ about twenty men.

It is reported that Kennett is to have telephone connection with St. Louis in the near future, and that the Southeastern lines will all have a working partnership with the Bell company. A metallic circuit from Kennett to Campbell will also be established.

Cape Girardeau held her annual fair this week and many Scott county people attended.

Charles Cartrell, while temporarily insane through illness, shot and killed James Weaver and Alice Ward and seriously wounded Adam Hall at O'Bryan's Landing last week. Cartrell, who is 24 years old, was lying ill in the commissary tent of the Bates Construction Co., when he suddenly became delirious, got out of bed, rushed to the company's store, seized a Winchester rifle and opened fire, with the above result.

"Let every Democrat buckle on the armor of democracy and work for the whole ticket," says the Bloomfield Vindicator. The trouble is that if the armor of true democracy is buckled on, a man can't consistently support the whole ticket. True democracy would not tolerate in its ranks anything even remotely resembling Gold-Bug Parker and ringsters Cook and Allen.

Mrs. America Lilly was awarded a judgment for \$2,500 against Sullivan, Illinois, saloon keepers for causing the death of her husband. She had notified the saloon men there not to sell him liquor. After a recent protracted spree he took an overdose of morphine which caused his death. She brought suit and recovered as stated above.

The Frisco has fitted out a train and placed it at the disposal of the Good Roads Association. The towns benefited most will be Cape Girardeau, Poplar Bluff, Caruthersville, Bloomfield and Ste. Genevieve. The association gives practical demonstrations in the art of road making.

Women vote in Colorado, Utah, Wyoming and Idaho, and it is likely many of them are now out urging the people to vote for straight. Now when I think of it, women spellbinders must be fetching creatures. Probably they wear bloomers and plug hats. How picturesque! The drilling near the depot at Bloomfield has been stopped and the machinery removed. They don't believe in putting too much money in a hole in the ground in Stoddard.

Hon. E. T. Behrens of Sedalia, candidate for governor on the Socialist ticket, spoke to a large audience at the courthouse at Farmington Monday night of last week.

At a special election in New Madrid last Tuesday it was unanimously voted to issue \$12,000 in bonds for the purpose of erecting water works in that town.

THE REAL QUESTION.

The New York Independent is as fair as it is possible for a New York publication to be—and yet hold the advertising patronage of the banks and trust companies. In its last issue appears an article entitled "THE REAL QUESTIONS" that is significant.

The Independent says that "the real questions do not figure largely in this presidential campaign." Then it calls attention to the threshing over of old straw and says "there cannot be a real contest over the tariff at the present time, because neither party can deal with that interest in any thoroughgoing fashion." Then the paper comments on the efforts to get the people stirred up over minor issues, and continues:

"There are real questions, other than those that have been named, that are confronting the American people, but the time to force a great fight over them has not arrived. The public is interested in them, it is studying them, it is slowly making up its mind upon them. One of these days there will be a great contest over them, as there was over the currency, and in an earlier time there was over the issues of slavery and secession; but when the contest will come no one is wise enough to forecast. All these questions center about the fundamental one: Are we henceforth to be a government of the people, for and by the people, or a government by the rich and powerful for the benefit of privileged classes? These questions were raised by the radical elements of the Democratic party when Mr. Bryan was first nominated. The platform was a misdirected protest against the money power."

"The real questions will be brought forward by the people when they begin to ask themselves whether it is possible to maintain a government republican in fact as in name under enormous corporate organizations of increasing power. Is it possible to permit the means of transportation and all the natural resources of a continent to be owned and controlled by a few hundred corporations capitalized at hundreds of millions of dollars each, without submitting to a government practically created and controlled by these corporate interests? Is political sovereignty to reside in the people of the United States, or is it to be an attribute of corporate wealth?"

"Neither party will raise these questions in the present political campaign. Both parties will keep on 'safe ground.'"

The Independent is positively right when it says that "neither party will raise these questions during the present political campaign." Both presidential tickets were made to order by the "captains of industry and wealth."